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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------|-------------|-------------------------|---------------------|------------------|
| 10/708,968        | 04/04/2004  | Robert Clarence LaLonde |                     | 2967             |
| 39827             | 7590        | 09/07/2007              | EXAMINER            |                  |
| ROBERT C. LALONDE |             |                         | DEBNATH, SUMAN      |                  |
| 3118 EXETER ROAD  |             |                         | ART UNIT            | PAPER NUMBER     |
| AUGUSTA, GA 30909 |             |                         | 2135                |                  |
|                   |             |                         | MAIL DATE           | DELIVERY MODE    |
|                   |             |                         | 09/07/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                 |                |
|------------------------------|-----------------|----------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)   |
|                              | 10/708,968      | LALONDE ET AL. |
|                              | Examiner        | Art Unit       |
|                              | Suman Debnath   | 2135           |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06/21/2007.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 4-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 4-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 4-23 are pending in this application.
2. Claims 1-3 are cancelled.
3. Claims 4-23 have been newly presented in the amendment filed 21 June 2007.

### ***Claim Objections***

4. Claims 5-6, 11-12 and 17-18 are objected to because these claims recite "PGP" in line 2, which is not defined by the applicant. The examiner has assumed that PGP is an abbreviation of "Pretty Good Privacy". Furthermore, it is not clear how the web of relationships is determined utilizing a PGP web of trust. Specification doesn't have enough explanation to clarify the limitation.

Appropriate correction and/or clarification is required.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 4-9 and 16-23 are rejected under U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

The examiner asserts that the limitation of claims 4-9 raise a question as to whether or not the, the limitation actually claims the program or not. In particularly, independent claim 4 recites, "A computer implemented system" which could be a program/software/set of instructions. The claims would have established a statutory

category of the invention if the program recited in the claims were stored on an appropriate medium and perform the function recited on the body of the claims when the program is read and executed by the computer/processor. However, the above claims are simply a computer implemented system which could be a software and thus do not clearly establish a statuary category of the invention.

Independent claim 16 recites, "A computer readable storage medium containing computer instructions for categorizing email, wherein the computer instructions comprise." The claims would have established a statuary category of the invention if the computer instructions recited in the claims were stored on an appropriate medium and perform the function recited on the body of the claims when the computer instructions **is read and executed by the computer/processor.**

Therefore the claims 4-9 and 16-23 are a program per se and don't fall within the statutory classes listed in 35 USC 101. The language of the claim(s) raises a question whether the Claim is directed merely to an abstract idea that is not tied to an environment or machine which would result in a practical operation producing a concrete, useful, and tangible result to form the basis of statutory subject-matter under 35 U.S.C. 101. (Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, 1760).

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 4, 7-10, 13-16 and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Appleman (Pub. No.: US 2005/0076240 A1).

9. As to claim 4, Appleman discloses a computer implemented system for categorizing email (abstract) comprising:

a means for determining a web of relationships between a sender and a receiver of an email (FIG. 5, [0038], [0050]);

a means of calculating a degrees of separation between the sender and the receiver based on the web of relationships (FIG. 5, [0038], [0044], [0050]); and

a means for categorizing a relationship between the sender and the receiver based on the degrees of separation ([0043], lines 1-8, [0044]).

10. As to claim 7, Appleman discloses wherein the categorization automatically rejects the email if the degrees of separation exceeds a prespecified value ([0044]).

11. As to claim 8, Appleman discloses wherein the prespecified value is dependent upon an identity of the sender ([0044], [0050]).

12. As to claim 9, Appleman discloses wherein the categorization automatically files the email in a prespecified location if the degrees of separation are less than a prespecified value ([0038], [0044], [0050]).

13. As to claim 10, Appleman discloses a method of automatically categorizing email (abstract) comprising:

determining a web of relationships between a sender and a receiver of an email (FIG. 5, [0038], [0050]);

calculating a degrees of separation between the sender and the receiver based on the web of relationships (FIG. 5, [0038], [0044], [0050]); and

categorizing a relationship between the sender and the receiver based on the degrees of separation ([0043], lines 1-8, [0044]).

14. As to claim 13, Appleman discloses which further comprises: rejecting the email if the degrees of separation exceeds a prespecified value ([0044]).

15. As to claim 14, Appleman discloses which further comprises: filing the email in a prespecified location if the degrees of separation are less than a prespecified value ([0038], [0044], [0050]).

16. As to claim 15, Appleman discloses wherein the prespecified value is dependent upon an identity of the sender ([0044],[0050]).

17. As to claim 16, Appleman discloses a computer readable storage medium containing computer instructions for categorizing email (abstract), wherein the computer instructions comprise:

    a means for determining a web of relationships between a sender and a receiver of an email (FIG. 5, [0038], [0050]);

    a means of calculating a degrees of separation between the sender and the receiver based on the web of relationships (FIG. 5, [0038], [0044], [0050]); and

    a means for categorizing a relationship between the sender and the receiver based on the degrees of separation ([0043], lines 1-8, [0044]).

18. As to claim 19, Appleman discloses wherein the categorization automatically rejects the email if the degrees of separation exceeds a prespecified value ([0044]).

19. As to claim 20, Appleman discloses wherein the prespecified value is dependent upon an identity of the sender ([0044], [0050]).

20. As to claim 21, Appleman discloses wherein the categorization automatically files the email in a prespecified location if the degrees of separation are less than a prespecified value ([0038], [0044], [0050]).

21. As to claim 22, Appleman discloses wherein the computer instructions comprise a software plug-in capable of being installed in an email client ([0024], [0038], [0044]).

22. As to claim 23, Appleman discloses wherein the computer instructions comprise an email client ([0023]-[0025]).

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 5-6, 11-12 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appleman and further in view of PGP 6.5.1 documentation ("Introduction to Cryptography"; PGP 6.5.1 documentation; Network Associates, Inc and its Affiliated Companies. 1999, P. 1-20) (hereinafter "6.5.1 doc").

25. As to claim 5, Appleman doesn't explicitly disclose wherein the web of relationships is determined utilizing a PGP web of trust. However, 6.5.1 doc discloses wherein the web of relationships is determined utilizing a PGP web of trust (page 16-17, see also page 13-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Appleman as taught by 6.5.1

doc in order to increase the integrity of electronic mail which transmit over public network.

26. As to claim 6, Appleman doesn't explicitly disclose wherein an identity of the sender is established via PGP. However, 6.5.1 doc discloses wherein an identity of the sender is established via PGP (page 16-17, see also page 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Appleman as taught by 6.5.1 doc in order to increase the integrity of electronic mail which transmit over public network.

27. As to claim 11, Appleman doesn't explicitly disclose wherein the web of relationships is determined utilizing a PGP web of trust. However, 6.5.1 doc discloses wherein the web of relationships is determined utilizing a PGP web of trust (page 16-17, see also page 13-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Appleman as taught by 6.5.1 doc in order to increase the integrity of electronic mail which transmit over public network.

28. As to claim 12, Appleman doesn't explicitly disclose wherein an identity of the sender is established via PGP. However, 6.5.1 doc discloses wherein an identity of the sender is established via PGP (page 16-17, see also page 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Appleman as taught by 6.5.1 doc in order to increase the integrity of electronic mail which transmit over public network.

29. As to claim 17, Appleman doesn't explicitly disclose wherein the web of relationships is determined utilizing a PGP web of trust. However, 6.5.1 doc discloses wherein the web of relationships is determined utilizing a PGP web of trust (page 16-17, see also page 13-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Appleman as taught by 6.5.1 doc in order to increase the integrity of electronic mail which transmit over public network.

30. As to claim 18 Appleman doesn't explicitly disclose wherein an identity of the sender is established via PGP. However, 6.5.1 doc discloses wherein an identity of the sender is established via PGP (page 16-17, see also page 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Appleman as taught by 6.5.1

doc in order to increase the integrity of electronic mail which transmit over public network.

31. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

#### ***Response to Arguments***

32. Applicant has cancelled claims 1-3 and newly presented claims 4-23, which necessitated new ground of rejections. See rejection above.

#### ***Conclusion***

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.

- US 7,181,498 B2 – Community-based green list for antispam
- US 2005/0004865 A1 – Control and monetization of networking transactions
- US 2005/0015432 A1 – Deriving contact information from emails

- 6,442,686 B1 – System and methodology for messaging server-based management and enforcement of crypto policies

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

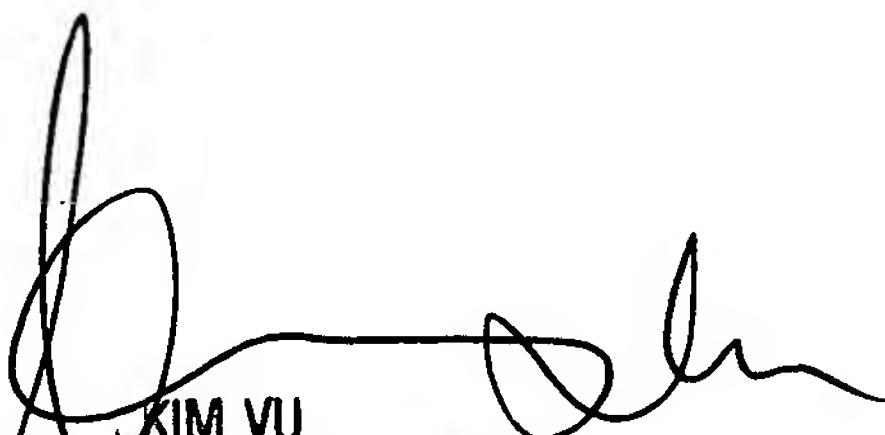
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suman Debnath whose telephone number is 571 270 1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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